

# **EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, Inc.,  
a Delaware corporation,

Defendant.

Civil Action No. 02-1512 (KAJ)  
(consolidated)

TEVA PHARMACEUTICALS USA, Inc.,  
a Delaware corporation, and TEVA  
PHARMACEUTICAL INDUSTRIES LTD.,  
an Israeli corporation,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation,

Counterclaim Defendants.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

IMPAX LABORATORIES, INC,  
a Delaware corporation,

Defendant.

Civil Action No.: 03-120-KAJ  
(Consolidated)

<p>IMPAX LABORATORIES, INC, a Delaware corporation,</p> <p>Counterclaim Plaintiffs,</p> <p>v.</p> <p>ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation,</p> <p>Counterclaim Defendants.</p>
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<p>IN RE TRICOR DIRECT PURCHASER ANTITRUST LITIGATION</p>
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<p>THIS DOCUMENT RELATES TO:</p>
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<p>ALL ACTIONS</p>
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Civil Action No. 05-340 (KAJ)

(consolidated)

<p>IN RE TRICOR INDIRECT PURCHASER ANTITRUST LITIGATION</p>
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<p>THIS DOCUMENT RELATES TO:</p>
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<p>ALL ACTIONS</p>
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Civil Action No. 05-360 (KAJ)

(consolidated)

**[PROPOSED] ORDER**

Upon consideration of Defendants Abbott Laboratories ("Abbott"), Fournier Industrie et Santé, and Laboratoires Fournier, S.A.'s (collectively, "Fournier") Consolidated Motion to Dismiss Plaintiffs' Complaints, the oppositions thereto, and the consolidated reply, it IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006, that the motion be and hereby is GRANTED in its entirety.<sup>1</sup>

<sup>1</sup> This order resolves all of the following consolidated actions: *Abbott Laboratories v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 02-1512 (KAJ); *Abbott Laboratories v. Impax Laboratories, Inc.*, C.A. No. 03-120-KAJ; *In re: Tricor Direct Purchaser Antitrust Litigation*, C.A. Nos. 05-340 KAJ, 05-351 KAJ, 05-358 KAJ, 05-404, 05-605; and *In re Tricor Indirect Purchases Antitrust Litigation*, C.A. Nos. 05-360 (KAJ), 05-591 (KAJ).

Plaintiffs' claims with respect to all of Defendants' conduct relating to the introductions of new forms of fenofibrate fail to state a claim upon which relief may be granted.

These claims are therefore DISMISSED as follows:

- Plaintiffs' claims with respect to Defendants' introduction of new fenofibrate products fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to Defendants' discontinuance of fenofibrate products fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to Defendants' communications with the NDDF service fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect Defendants' listing of patents in the Orange Book fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' claims with respect to all of Defendants' conduct relating to the Tablet and Capsule Litigations fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED as follows:

- Plaintiffs' claims with respect to the Capsule Litigation are immunized from antitrust challenge by the *Noerr-Pennington* doctrine and otherwise fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to the Tablet Litigation are immunized from antitrust challenge by the *Noerr-Pennington* doctrine and otherwise fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs fail to adequately plead antitrust injury with respect to the Defendants' litigation conduct and therefore lack antitrust standing to assert those claims. These claims are therefore DISMISSED.
- Plaintiffs' *Walker Process* claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' claims with respect to an "overall scheme" fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' various state law claims fail to state a claim upon which relief may be granted. These Claims are therefore DISMISSED as follows:

- Plaintiffs' state law tortious interference claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED
- Plaintiffs' state law antitrust claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' state law consumer protection claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

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The Honorable Kent A. Jordan  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2005, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Josy W. Ingersoll  
John W. Shaw  
Karen Keller  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, Delaware 19899-0391

Jeffrey S. Goddess  
Rosenthal, Monhait, Gross & Goddess, P.A.  
919 Market Street, Suite 1401  
P.O. Box 1070  
Wilmington, DE 19899-1070  
Tel. (302) 656-4433  
Fax. (302) 658-7567

Jonathan L. Parshall  
Murphy Spadaro & Landon  
1011 Centre Road, Suite 210  
Wilmington, DE 19801

Michael I. Silverman  
Lynn A. Iannone  
Silverman & McDonald  
1010 North Bancroft Parkway  
Suite 22  
Wilmington, DE 19805

Mary B. Graham  
Morris Nichols, Arsht & Tunnell  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

Mary B. Matterer  
Morris, James, Hitchens & Williams  
222 Delaware Avenue, 10th Floor  
Wilmington, DE 19801

Pamela S. Tikellis  
Robert J. Kriner, Jr.  
A. Zachary Naylor  
Chimicles & Tikellis LLP  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899

Elizabeth M. McGeever  
Prickett Jones Elliott, P.A.  
1310 King Street  
Wilmington, DE 19801

Patrick Francis Morris  
Morris & Morris  
1105 North Market Street  
Suite 803  
Wilmington, DE 19801

I hereby certify that on December 23, 2005, I sent by electronic mail the foregoing document to the following non-registered participants:

REPRESENTING DIRECT PARTY PLAINTIFFS  
(C.A. 05-340):

Jeffrey S. Goddess  
**[jgoddess@rmgglaw.com](mailto:jgoddess@rmgglaw.com)**  
Bruce E. Gerstein  
**[bgerstein@garwingerstein.com](mailto:bgerstein@garwingerstein.com)**

Barry S. Taus  
**btaus@garwingerstein.com**

Adam M. Steinfeld  
**asteinfeld@garwingerstein.com**

Daniel Berger  
**danberger@bm.net**

Eric L. Cramer  
**ecramer@bm.net**

Peter Kohn  
**pkohn@bm.net**

Linda P. Nussbaum  
**lnussbaum@cmht.com**

Steig D. Olson  
**solson@cmht.com**

REPRESENTING WALGREEN, ECKERD, KROGER,  
MAXI, CVS, RITE AID  
(C.A. 05-340):

Elizabeth M. McGeever  
**emmccgeever@prickett.com**

Scott E. Perwin  
**sperwin@kennynachwalter.com**

Joseph T. Lukens  
**jlukens@hangle.com**

REPRESENTING PACIFICARE  
(C.A. 05-340):

Jonathan L. Parshall  
**jonp@mllaw.com**

William Christopher Carmody  
**bcarmody@susmangodfrey.com**

John Turner:  
**jturner@susmangodfrey.com**

Shawn Rabin:  
**srabin@susmangodfrey.com**

Justin Nelson:  
**jnelson@susmangodfrey.com**

Cindy Tijerina:  
**ctijerina@susmangodfrey.com**

Ken Zylstra:  
**kzylstra@sbclasslaw.com**

Lyle Stamps:  
**lstamps@sbclasslaw.com**

Steve Connolly  
**Sconnolly@abclasslaw.com**

Mark Sandman:  
**mms@rawlingsandassociates.com**

Jeffrey Swann:  
**js5@rawlingsandassociates.com**

REPRESENTING INDIRECT PARTY PLAINTIFFS  
(C.A. 05-360):

Pamela S. Tikellis  
Thomas M. Sobol  
Patrick E. Cafferty  
Jeffrey L. Kodroff  
Bernard J. Persky  
William C. Carmody  
Mike Gottsch  
Zach Naylor  
Robert Davis  
Brian Clobes  
Michael Tarringer  
Tim Fraser  
David Nalven  
Greg Matthews  
Christopher McDonald  
Kellie Safar  
Ted Lieverman  
Pat Howard

**Tricor@chimicles.com**

REPRESENTING IMPAX LABORATORIES  
(C.A. 03-120):

Mary Matterer  
**mmatterer@morrisjames.com**

John C. Vetter  
**jvetter@kenyon.com**

Asim Bhansali  
**abhansali@kvn.com**



REPRESENTING TEVA PHARMACEUTICALS  
(C.A. 02-1512):

Josy W. Ingersoll  
Bruce M. Gagala  
Karen E. Keller  
Christopher T. Holding  
Ken Cohen  
Elaine Blais

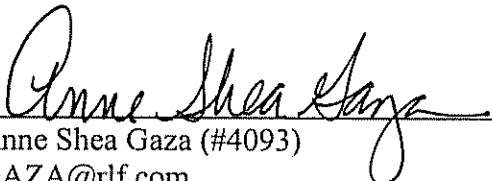
**tricolor@yest.com**

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham  
**Tricolor@mnat.com**

William F. Cavanaugh  
**wfcavanaugh@pbwt.com**

Chad J. Peterman  
**cjpeterman@pbwt.com**

  
Anne Shea Gaza (#4093)  
GAZA@rlf.com